

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

ANDREW L. COLBORN,

Plaintiff,

v.

Case No. 19-CV-484

NETFLIX, INC.,
CHROME MEDIA, LLC, f/k/a
SYNTHESIS FILMS, LLC,
LAURA RICCIARDI, and
MOIRA DEMOS,

Defendants.

AFFIDAVIT OF MICHAEL GRIESBACH

STATE OF WISCONSIN)
)
) SS.
MANITOWOC COUNTY)

MICHAEL GRIESBACH, being first duly sworn under oath, states as follows:

1. I wrote two books concerning the Steven Avery saga, not three. *The Innocent Killer: A True Story of a Wrongful Conviction and Its Astonishing Aftermath* was published by the American Bar Association in 2014. It is a revised edition of its self-published predecessor, *Unreasonable Inferences: A True Story of a Wrongful Conviction and Its Astonishing Aftermath*, which was published in 2010, five years before Making a Murderer's debut. My second book, *Indefensible: The Missing Truth about Steven Avery, Teresa Halbach, and Making a Murderer*, was published by Kensington Books in 2016 after Making a Murderer's release. (A more recent edition of *The Innocent Killer* was published by Encore Press in 2020).

2. As stated on page XIII of *Indefensible* and on the copyright page of *The Innocent Killer*, I wrote both books in my personal capacity as a private citizen, not as a Manitowoc County Assistant District Attorney.

3. With the three exceptions noted in paragraph 4, I relied exclusively on publicly available documents to write both books, including the following:

- Police reports from the following law enforcement agencies: the Manitowoc County Sheriff's Office; the Manitowoc Police Department, the Two Rivers Police Department; the Calumet County Sheriff's Office; the Wisconsin Division of Criminal Investigation unit (relating only to its investigation of Avery's 1995 wrongful conviction); and the Wisconsin Attorney General's final report of her independent review of Avery's 1995 wrongful conviction;
- Court documents and transcripts from both the 1985 case and the 2005 murder;
- Appellate briefs and appellate court decisions from the 1985 case;
- Depositions from Avery's 2003 wrongful conviction civil rights action;
- Published news articles in the Milwaukee Journal Sentinel and the Manitowoc Herald Times Reporter;
- The transcripts of *Making a Murderer*;
- Public entries on the following social media platforms: Reddit; Facebook; Amazon; and Twitter.

4. I did not personally interview anyone for either of my books. My recounting in chapter nineteen of *The Innocent Killer* of former Manitowoc County District Attorney Dennis Vogel asking if there was "anything on Allen in Avery's file" was based on an unsolicited phone call I received from Vogel. As is obvious from its context, my recounting in chapter thirty-one of *The Innocent Killer* of "Joe" and "Tammy's" opinions concerning law enforcement conduct in the murder case came from conversations I witnessed but did not elicit from patrons of a coffee shop near the Courthouse. The only non-public information I learned in my research for *Indefensible* was that Mr. Colborn hadn't watched *Making a Murderer* but had heard about it. This information

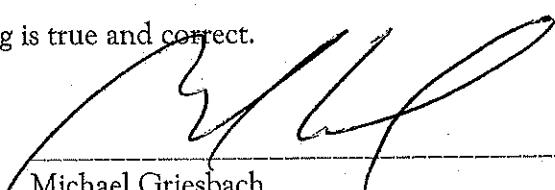
was relayed to me by Brenda Schuler, who assisted me in some of the research for the book. Mr. Colborn has stated the same in response to a Netflix interrogatory. (See Dkt. 215-5)

5. My role in the 1985 wrongful conviction case was limited to the following:

- Reviewing the police reports to ensure Avery was innocent after our office received the DNA results;
- Coordinating Avery's release with the Wisconsin Innocence Project;
- Notifying the victim of Avery's impending release; and
- Assisting the District Attorney in summarizing the evidence in the wrongful conviction case at a meeting at the Wisconsin Attorney General's Office and handing over our file.

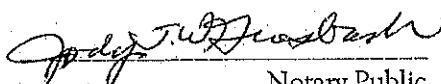
6. I played no role in the investigation and prosecution of Steven Avery for the Ms. Halbach's murder other than participating in the drafting of the initial search warrant for the Avery salvage yard. I have no written documentation used in drafting the search warrant and have no information about the facts underpinning the warrant other than what is revealed in the Calumet County police reports, *Indefensible*, and "Making a Murderer," itself. I have no information concerning Mr. Colborn's receipt of the 1995 call beyond what is in the public domain and my deposition testimony that Mr. Colborn told then-sheriff Thomas Kocourek about the call was, as I stated in the deposition itself, offered as a tentative recollection of my understanding of hearsay information.

I declare under penalty of perjury that the foregoing is true and correct.



Michael Griesbach

Subscribed and sworn to before me
this 10th day of May, 2022.



Judy T.W. Griesbach, Notary Public
Manitowoc County, Wisconsin
My commission is permanent